

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

MILTON HERSHEY SCHOOL

Employer/Petitioner

and

Case 4–UC–436

MILTON HERSHEY EDUCATION ASSOCIATION,
PSEA/NEA

Union Involved

**REGIONAL DIRECTOR’S DECISION, ORDER AND
CLARIFICATION OF BARGAINING UNIT**

This petition, duly filed under Section 9(b) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

Pursuant to the provisions of Section 3(b) of the Act, the National Labor Relations Board has delegated its authority in this proceeding to the undersigned Regional Director.

Based upon the attached Stipulation entered into by the parties, the undersigned finds:

1. The Employer/Petitioner is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
2. The Union Involved is a labor organization within the meaning of Section 2(5) of the Act.
3. Based on a Certification of Representative issued on November 30, 1993, in Case 4–RC–18210, the Union is the exclusive collective bargaining representative of the following unit of employees at the Employer’s Hershey, Pennsylvania facility:

All full-time and regular part-time teachers, long-term substitute teachers, librarians, media center assistants, music instructors, accompanists, counselor/psychologists, psychologists, career counselors, elementary school counselors, nurses and dentists at the Employer’s Hershey, Pennsylvania facility, but excluding all other substitute teachers, instructional aides, health center drivers, houseparents, houseparents-in-training, relief houseparents, recreational leaders, farmers 1 and 2, and herdsmen.

4. The Employer/Petitioner and the Union Involved are party to a collective bargaining agreement effective from August 1, 2006 to July 31, 2011.

5. In 2007 the Employer/Petitioner established a new educational program, the Springboard Academy, at its Hershey, Pennsylvania facility for the purpose of providing a mechanism to innovate and improve the process of orienting and transitioning new students into and through the Employer/Petitioner's existing school system. The Springboard Academy serves approximately 80 children of middle-school age. In connection with this program, the Employer has hired approximately 18 individuals into the classification of adolescent support program specialist, a classification that did not previously exist.

6. The adolescent support program specialists share a community of interest with the employees in the unit described above in Paragraph 3.

7. The parties have never applied their collective bargaining agreements to or negotiated the wages, terms and conditions of, employees in the classifications of psychologist, counselor/psychologist, elementary school counselor and dentist, and the counselor/psychologist and elementary school counselor classifications no longer exist.

8. The Employer/Petitioner and the Union Involved agree that the existing bargaining unit should be clarified to include the classification of adolescent support program specialist and to exclude the classifications of psychologist, counselor/psychologist, elementary school counselor and dentist.

Based on the foregoing, I shall clarify the existing unit to include the classification of adolescent support program specialist and to exclude the classifications of psychologist, counselor/psychologist, elementary school counselor and dentist.

ORDER¹

It is hereby ordered that the bargaining unit set forth above be clarified to include the classification of adolescent support program specialist and to exclude the classifications of psychologist, counselor/psychologist, elementary school counselor and dentist.

Signed at Philadelphia, Pennsylvania this 4th day of March, 2008

/s/ [Dorothy L. Moore-Duncan]
DOROTHY L. MOORE-DUNCAN
Regional Director, Region Four

¹ The parties waived their right to a hearing, or to file a Request for Review of this Decision, Order and Clarification of Bargaining Unit.